

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DEREK ROUSE, individually and o/b/o
all other persons similarly situated,

Plaintiff,

vs.

LANGUAGE LINE SERVICES, INC.,

Defendant.

No. 4:22-cv-0204-DGK

ORDER

This is a conditionally certified collective action lawsuit in which Plaintiffs are, or were, seeking to recover unpaid wages and overtime pursuant to the Fair Labor Standards Act. The putative class consists of approximately thirty current and former employees who worked as Implementation Specialists for Defendant Language Line Services, Inc., from July 22, 2019, to present.

During the first eighteen months of this lawsuit's existence there was limited active litigation. The parties did, however, agree to conditionally certify a class. ECF No. 26. They also sought preliminary approval of two proposed settlements, both of which the Court denied because of indicia of collusion. ECF Nos. 42 and 53.

After denying Plaintiff's motion for reconsideration, the Court issued an order ("the Order") approving notice procedures and a consent to join form on November 1, 2023. ECF No. 56. The Order—which largely adopted verbatim the parties' recommendations concerning notification procedures—instructed the parties to do several things. First, it required them to select a third-party administrator ("the administrator") to manage the notification process. Second, it ordered defense counsel to provide the administrator with the names, last-known mailing

addresses, last-known personal email addresses, and Social Security numbers of all putative class members, and provide class counsel with the names and last-known mailing address of all putative class members, by November 10, 2023. Third, it required the administrator to verify the class members' addresses, send a second notice to any putative class member for whom Notice is returned as undeliverable, and send reminder notices to the class. Fourth, it set a deadline for putative class members who wanted to join the lawsuit to submit a Consent to Join Form to the administrator. This deadline was sixty days from the initial mailing.

On January 5, 2024, the parties filed their "Joint Stipulation of Dismissal." ECF No. 58. It states, "Plaintiff Derek Rouse and Defendant Language Line Services, Inc., pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), jointly stipulate to the dismissal of this action, with each party to bear their own costs. Accordingly, Plaintiff voluntarily dismisses this action." Nothing more. Given the timing of this filing and the lack of any explanation, the Court has concerns.

Although it is unlikely that anything inappropriate occurred here, to ensure the record demonstrates that the parties followed the Order and that the conditional certification and notification process has not been abused, the Court ORDERS the parties to file a short memo on or before February 21, 2024, providing at least the following information.

1. Identify the administrator chosen to manage the notification process. Provide a name, address, telephone number, and email address of someone employed by the administrator who can potentially answer questions about the notification process.
2. Identify the date defense counsel provided the administrator with the names, last-known mailing addresses, last-known personal email addresses, and Social Security numbers of all putative class members, and the date defense counsel provided class counsel with the names and last-known mailing address of all putative class members.
3. Identify the date the initial notice was sent to putative class members.
4. Identify the date any second notice was sent to putative class members.

5. Identify the date reminder notice was sent to putative class members.
6. Identify the date set as the deadline for putative class members to submit a Consent to Join Form.
7. Provide the name(s) of all class members who returned a Consent to Join Form and the date the form was received.

Any additional information the parties would provide about what happened here would be appreciated.

IT IS SO ORDERED.

Date: February 7, 2024

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT